



VIRGINIA  
& AMBINDER LLP  
A t t o r n e y s   a t   L a w

Trinity Centre  
111 Broadway, Suite 1403  
New York, New York 10006  
Telephone: 212.943.9080  
www.vandallp.com

**Lloyd Ambinder**  
212.943.9081  
Lambinder@vandallp.com

July 25, 2012

**VIA ECF**

Hon. A. Kathleen Tomlinson  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

Re: Berrios v. Nicholas P. Zito Racing Stables, Inc., et al  
(No. 04-CV-0022) (SLT) (AKT)

Dear Judge Tomlinson:

This firm is co-counsel to the plaintiff class in the above referenced wage and hour class action. I write on consent of Defendants' counsel to advise you that the parties have reached an agreement in principle to settle this matter.

The parties expect to finish drafting proposed settlement documents, including a proposed settlement notice, claim form and publication order, by the middle of August. We therefore respectfully request that the Court cancel the trial and damage inquest scheduled for early September, and instead schedule a settlement conference for late August, at which time we will review the proposed procedure for settlement, notice, claim form and publication order for your approval

Thank you.

Respectfully submitted,

/s/Lloyd Ambinder

cc: Leo McGinity, Esq. (via ECF)  
Delvis Melendez, Esq. (via ECF)